

08-04-04

IPW AF

DOCKET NO.: PHOE-0057

PATENT
Corres. and Mail REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
BOX AF 37 CFR § 1.116



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

MIKE A. CLARK

Application No.: 09/504,280

Filing Date: February 15, 2000

For: MODIFIED TUMOR NECROSIS FACTOR

Confirmation No.: 5368

Group Art Unit: 1647

Examiner: David S. Romeo

EXPRESS MAIL LABEL NO: EL970387215US
DATE OF DEPOSIT: August 3, 2004

EL970387215US

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF APPEALS PURSUANT TO 37 CFR § 1.192**

Applicant hereby appeals to the Board of Appeals from the Decision of the Primary Examiner mailed **February 3, 2004** finally rejecting claims **1-8, 14-17 and 24** of the above-identified patent application.

The item(s) checked below are appropriate:

- Applicant(s) has previously claimed small entity status under 37 CFR §1.27.
- Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR §1.27 as : \
- Petition is hereby made under 37 CFR § 1.136(a) (fees: 37 CFR § 1.17(a)(1)-(4) to extend the time for response to the Office Action of February 3, 2004 to and through August 3, 2004 comprising an extension of the shortened statutory period of three (3) months.

08/05/2004 CCHAU1 0000009 09504280

01 FC:2401
02 FC:2253

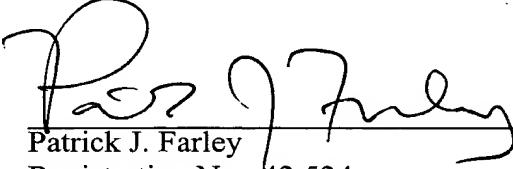
165.00 OP
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PROCEDURE PURSUANT TO
37 CFR § 1.116

	SMALL ENTITY		NOT SMALL ENTITY	
	RATE	Fee	RATE	Fee
<input checked="" type="checkbox"/> NOTICE OF APPEAL	\$165	\$165	\$330	\$
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME	\$55	\$	\$110	\$
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME	\$210	\$	\$420	\$
<input checked="" type="checkbox"/> THREE MONTH EXTENSION OF TIME	\$475	\$475	\$950	\$
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME	\$740	\$	\$1480	\$
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME	\$1005	\$	\$2010	\$
<input checked="" type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID	minus	(\$55)	minus	(\$)
TOTAL FEE DUE		\$585		\$0

- A check in the amount of \$585.00 is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050.
- Please charge my Deposit Account No. 23-3050 in the amount of \$ ____ .00. This sheet is attached in duplicate.
- The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to Deposit Account No. 23-3050. This sheet is provided in duplicate.

Date: August 3, 2004


 Patrick J. Farley
 Registration No. 42,524

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